

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  v.  KIMBERLEE PITAWANAKWAT,  Defendant.	5:20-CR-50122  <b>DEFENDANT, KIMBERLEE PITAWANAKWAT'S UNOPPOSED MOTION TO CONTINUE</b>
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COMES NOW Defendant, Kimberlee Pitawanakwat, by and through her undersigned attorney, Jonathan P. McCoy of Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter, LLP, and moves this Honorable Court for its Order continuing all the dates scheduled in the Court's Order dated November 30, 2020 (doc. 30), for at least 60 days on the following grounds:

Undersigned counsel timely received discovery from the Government. However, audio recordings of substantive interviews were not audible. Undersigned counsel and counsel fro the Government have discussed this issue and steps are being taken by the Government to enhance the audio. However, this will require more time than allotted within the current scheduling order (doc. 30). In order to properly represent Defendant, the undersigned needs the enhanced audio in order to know the evidence on which the Government intends to rely. Therefore, Defendant respectfully requests a 60-day continuance in this matter.

The undersigned, further, represents to the Court that this motion is made neither for purposes of undue delay nor other improper reason. Counsel makes this request for the

Defendant in order to have the reasonable time necessary for audio enhancement of the discovery, taking into account the exercise of due diligence.

Defendant has been informed and understands that the delay occasioned by this motion is excluded from counting under the Speedy Trial Act.

Assistant U.S. Attorney Heather Sazama, on behalf of the Government, does not object to this motion.

Dated this 11<sup>th</sup> day of December 2020.

**COSTELLO, PORTER, HILL, HEISTERKAMP,  
BUSHNELL & CARPENTER, LLP**


By: /s/ Jonathan P. McCoy

Jonathan P. McCoy  
PO Box 290  
Rapid City, SD 57709  
605-343-2410  
jmccoy@costelloporter.com  
*Attorney for Defendant*

**WAIVER OF SPEEDY TRIAL RIGHTS**

I have read, understand and consent to the above Motion to Continue Trial. I have been advised of my right to a speedy trial under 18 U.S.C. § 3161, and hereby waive my right to a speedy trial to the extent occasioned by the above Motion to Continue Trial.

Dated this 10<sup>th</sup> day of December 2020.

  
Kimberlee Pitawanakwat